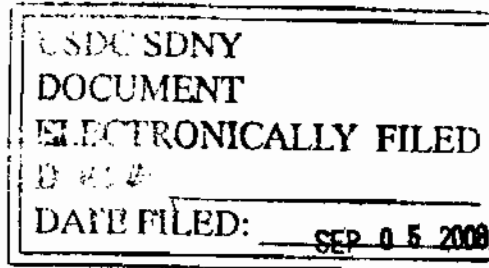


BRUNE & RICHARD LLP

80 Broad Street
New York, New York 10004
(212) 688-1900 phone
(212) 668-0315 fax
www.bruneandrichard.com

New York • San Francisco

September 5, 2008



SO ORDERED

BY FACSIMILE

Hon. George B. Daniels
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 630
New York, NY 10007


HON. GEORGE B. DANIELS
SEP 05 2008

Re: Colodne v. Patriarch Partners LLC, 08 Civ. 2370 (GBD) (S.D.N.Y.)

Dear Judge Daniels:

We represent defendant Patriarch Partners LLC ("Patriarch") in the above-referenced case and write to respectfully request a 28-day enlargement of the discovery deadline from September 26, 2008 to October 24, 2008, and a corresponding extension of the other deadlines in the governing Civil Case Management Plan and Scheduling Order. A proposed amended Order is attached. This is our first such request.

We request this enlargement to allow time for two additional depositions. First, last week the plaintiffs noticed the deposition of Michael Fey, a Patriarch employee who works in Charlotte, North Carolina, but Mr. Fey's schedule and our schedule do not allow any time before the current discovery deadline for him to be deposed. Second, plaintiff Jason Colodne testified at his deposition last week that another former Patriarch employee, Theresa Bennett, had extensive knowledge of information he believed to be relevant to his case and that he had in fact traveled to Florida to meet with her regarding this litigation. Accordingly, we will be serving Ms. Bennett a subpoena as soon as possible and would like to make sure that we have time to travel to Florida for her deposition. Again, our schedules do not permit a trip before the existing deadline.

The Civil Case Management Plan and Scheduling Order in this case allows for up to a 60-day extension of the schedule with consent of the parties, but, unfortunately, our adversary has not consented to our request for an extension of only 28 days.

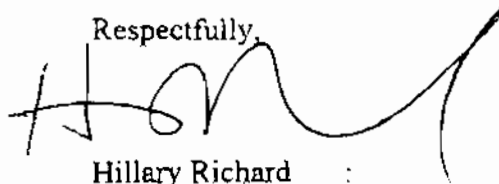
In opposing our request, plaintiff's counsel indicated, correctly, that Ms. Bennett was identified as a possible witness in Mr. Colodne's Initial Disclosures that were served months ago. But Ms. Bennett was identified as number 45 among the 54 witnesses who the plaintiff believed he "may use to support [his] claims or defenses" Fed. R. Civ. P. 26(a)(1), and the information she possessed was described in generic phrases (such as "Plaintiff's job performance") that were

Hon. George B. Daniels
September 5, 2008
Page 2

used with virtually all of the other possible witnesses. We simply could not have anticipated needing to depose Ms. Bennett until after Mr. Colodne's deposition.

For these reasons, we respectfully request that the Court grant a 28-day extension of discovery.

Respectfully,

A handwritten signature in black ink, appearing to read "Hillary Richard", with a long, sweeping flourish extending to the right.

Hillary Richard :

cc: Robert D. Kraus
(Kraus & Zuchlewski LLP, counsel for Colodne)
(by email)

Enclosure

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK-----X
JASON P. COLODNE,

Plaintiff,

v.

PATRIARCH PARTNERS, LLC,

Defendants
-----X

) No. 08cv2370 (GBD)

) **[PROPOSED] AMENDED**) **CIVIL CASE**) **MANAGEMENT PLAN AND**) **SCHEDULING ORDER**

The following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure.

1. No **additional parties** may be joined after **August 7, 2008**.
2. No **amendment** to the pleadings will be permitted after **August 7, 2008**.
3. Except for good cause shown, all discovery shall be commenced in time to be completed by **October 24, 2008**. The Court expects discovery to be completed within 90 days of the first scheduling conference unless, after the expiration of that 90 day period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to complete discovery. In such event, discovery may be extended by the parties on consent, without application to the Court, provided the parties are certain they can still meet the discovery completion date ordered by the Court. The discovery completion date shall not be adjourned except upon a showing of extraordinary circumstances.
4. **Dispositive Motions** are to be served by **January 9, 2009**. Answering papers are to be served within 30 days. Reply papers are to be served within 14 days. In the event a dispositive motion is made, the date for submitting the Joint Pretrial Order shall be changed from that shown herein to three (3) weeks from the decision on the motion. The final pretrial conference shall be adjourned to a date four (4) weeks from the decision on the motion.
5. A final **pretrial conference** will be held on **February 5, 2009 at 9:30 a.m.**
6. The **Joint Pretrial Order** shall be filed no later than **January 16, 2009**. The requirements for the pretrial order and other pretrial submissions shall be governed by the Court's Individual Rules of Practice.
7. **All motions and applications** shall be governed by the Court's Individual Rules of Practice.

8. The parties shall be **ready for trial** on 48 hours notice on or after **seven (7) days after the pre-trial conference**. The estimated trial time is five (5) days and this is a non-jury trial.
9. The **Next Case Management Conference** will be held on **October 30, 2008 at 9:30 a.m.**

Dated: September ____, 2008
New York, NY

SO ORDERED:

By: _____
GEORGE B. DANIELS
United States District Judge